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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.120	5202

23483 7590 10/24/2007  
WILMERHALE/BOSTON  
60 STATE STREET  
BOSTON, MA 02109

EXAMINER
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LUONG, VINH

ART UNIT	PAPER NUMBER
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3682

NOTIFICATION DATE	DELIVERY MODE
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10/24/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10727306	S12/3/2003	WILSON, DOUGLAS B.	114089.120

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EXAMINER

Vinh T. Luong

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20071015-A

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Commissioner for Patents

See attached sheet.

  
Vinh T. Luong  
Primary Examiner

Art Unit: 3682

1. The information disclosure statement filed September 24, 2007 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

Applicant stated that the instant IDS was being filed during the pendency of the appeal brief. The Examiner respectfully submits that the IDS was filed after final Office action on September 30, 2006. Therefore, Applicant is required to submit a statement under 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p). See 37 CFR 1.97(d) and MPEP 609. In the instant case, Applicant failed to submit the required statement under 37 CFR 1.97(e). As noted from the Supplementary European Search Report cited in the IDS, the date of citation of the EPO was October 24, 2006, *i.e.*, more than three months from the above filing date of the instant IDS.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luong

October 15, 2007



Vinh T. Luong  
Primary Examiner